

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MEIA BURKS, individually and on	)	
behalf of others similarly situated,	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:09CV1302(MLM)
	)	
BI-STATE DEVELOPMENT AGENCY,	)	
OF THE MISSOURI-ILLINOIS	)	
METROPOLITAN DISTRICT d/b/a	)	
"METRO" and S.M. HUBER ENTERPRISES,	)	
INC. d/b/a "ABOVE ALL PERSONNEL,"	)	
	)	
Defendants.	)	

**ORDER (1) PRELIMINARILY CERTIFYING CLASS  
FOR SETTLEMENT PURPOSES; (2) PRELIMINARILY APPROVING  
THE CLASS ACTION SETTLEMENT AGREEMENT, AND (3)  
APPROVING NOTICE TO THE CLASS MEMBERS**

This matter is before the court on the Joint Motion for (1) Certification of a Class for Settlement Purposes; (2) Preliminary Approval of the Class Action Settlement Agreement, and (3) Approval of Notice to the Class Members. [Doc. 91]

Plaintiff Meia Burks ("Plaintiff"), individually and on behalf of the settlement class, and Defendants Bi-State Development Agency of the Missouri-Illinois Metropolitan District d/b/a "Metro" and S.M. Huber Enterprises, Inc. d/b/a "Above All Personnel" (collectively "Defendants") have entered into a class action settlement, the terms and conditions of which are set forth in the Parties' Class Action Settlement Agreement ("Settlement Agreement") (Doc. 91-1).

The court having reviewed the Settlement Agreement, motion for approval thereof, and supporting documents, hereby:

1. **GRANTS** preliminary approval of the Settlement Agreement. The court finds that the terms of the Settlement Agreement are within the range of possible approval at the final approval hearing set for 9:30 a.m. on January 31, 2011.

2. **FINDS** that the following class should be preliminarily certified for settlement purposes: “all persons who worked for either or both Defendants as non-exempt Reservation Clerks or Dispatchers in Metro’s Call-A-Ride Division at any time during the period from August 13, 2007, to June 4, 2010.”

3. **APPOINTS** Mark Potashnick of Weinhaus & Potashnick as Class Counsel for settlement purposes.

4. **APPROVES** the named Plaintiff, Meia Burks, as the class representative for the settlement class.

5. **APPROVES** the proposed form of Class Notice filed as part of Doc. 91-1. The court finds that the Class Notice constitutes reasonable notice practicable under the circumstances and is in full compliance with applicable law. The court further finds that the notifications fully and accurately inform the Class Members of all material elements of the Settlement Agreement and of each Class Member’s right to be excluded from the Class, and of each Class Member’s right and opportunity to challenge Defendants’ records regarding the dates and hours he or she worked for Defendants and/or the method for calculation of his or her payment under the Settlement Agreement. The Class Notice shall be sent via first class mail to the most recent known address or reasonably determinable address for each Class Member by November 10, 2010.

Accordingly,

**IT IS HEREBY ORDERED** that the Joint Motion for (1) Certification for of a Class for Settlement Purposes; (2) Preliminary Approval of the Class Action Settlement Agreement, and (3) Approval of Notice to the Class Members is **GRANTED** as more fully set out above. [Doc. 91]

/s/Mary Ann L. Medler  
MARY ANN L. MEDLER  
UNITED STATES MAGISTRATE JUDGE

Dated this 29th day of October, 2010.